

ADMINISTRATIVE appeals process

If you disagree with the decision of Crime Victims' Compensation (CVC) to deny your application for benefits, or disagree with a decision denying a specific award or the amount of an award, you have the right

to appeal the CVC decision. To appeal, you should follow the instructions in this pamphlet, paying particular attention to the time limits within which you must send certain information. Please read this pamphlet thoroughly.

JUDICIAL REVIEW

If your claim has been denied at the hearing level, you have the right to seek judicial review in district court.

You must file a written notice of dissatisfaction with CVC within 40 days of the date of the final decision denying your claim or award. If you do not, you lose your right to seek judicial review.

You or your attorney must then file a lawsuit in district court within 40 days of the date the written notice of dissatisfaction was received by the Office of the Attorney General. If you have any questions or concerns about your right to appeal, please contact CVC.

BY US MAIL

Appeals Section
Crime Victim Services Division – MC011
Office of the Attorney General
P.O. Box 12198
Austin, Texas 78711-2198

BY TELEPHONE

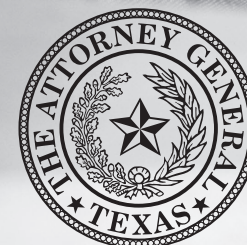
(800) 983-9933 Statewide
(512) 936-1599 Austin

(512) 370-9435 Fax

ON THE INTERNET

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ADMINISTRATIVE APPEALS PROCESS



WHAT IF MY APPLICATION IS DENIED?

what if my
application is denied?

There are three steps in the appeals process, all governed by the Texas Code of Criminal Procedure, Chapter 56, Subchapter B and by Title 1 Texas Administrative Code, Part III, Chapter 61. The first step, called **reconsideration**, is an informal way of resolving your claim. If you disagree with the reconsideration review, you may request a **final ruling hearing**. This is a more formal procedure for which you may want to seek the advice of an attorney. Finally, if you disagree with the final ruling you have the right to seek judicial review in **district court**. CVC's appeal process is intended to be fair and just. Administrative decisions are based not only on the letter of the law, but also on the intent of the Crime Victims' Compensation Act.

You must follow each step of the administrative appeals process in order to preserve your right to seek judicial review.

RECONSIDERATION

If you disagree with CVC's denial of your claim, the first step in the process is to write a letter requesting that the decision be reconsidered. Be sure to explain why you disagree

with the denial. The letter must be dated and signed. **You must write to CVC within 30 days of the date of the letter denying your claim or benefit. If you do not adhere to this timeline, you could lose your right to have your claim reconsidered.**

Prior to reconsidering your claim, we may ask you to send us any additional information you believe will support your request for reconsideration. You must send this information to CVC within 30 days. An appeal officer will then review your claim as well as any additional evidence you submit.

The appeal officer will review all the evidence in the file and, if necessary, request additional information, speak to the victim, claimant or witnesses. The appeal officer will, as soon as practicable, complete the reconsideration and provide written notification telling you whether your claim was approved or denied and the reasons for the decision.

FINAL RULING

If you disagree with the reconsideration review of your claim, the next step in the appeal process is to ask for a final ruling hearing. **You must write to CVC within 30 days of the date of the reconsideration letter denying your claim. If you do not adhere to this timeline, you could lose your right to a final ruling hearing.**

We will notify you at least 10 days before the hearing. A hearing will be conducted by telephone. You must be present by telephone for the hearing. If you fail to be present or request a rescheduled hearing, the final decision may

be made by the hearing officer based on the available information. If you have an emergency or cannot attend the scheduled hearing for a valid reason, you must give us at least 48 hours notice for us to consider rescheduling your hearing.

Prior to the hearing, you will be asked to gather information you need to support your claim. For example, if you are claiming loss of earnings resulting from the crime, you must present evidence such as a doctor's statement of disability and verification from your employer. If you prevail in your hearing, CVC will determine the amount to compensate your loss.

The procedures for the hearing are:

1. The hearing officer will begin by explaining the law and rules that apply to the hearing.
2. You or your representative will be asked to state your position on the issue; that is, you will explain why you believe that your claim should be awarded.
3. You may present witnesses or documents you have to support your position. The hearing officer may ask witnesses to swear to their testimony, be cross-examined, or to testify outside the presence of other witnesses.
4. In arriving at a decision, the hearing officer may consider relevant information even though that information might not be admissible in a court of law.
5. Finally, the hearing officer will notify you in writing of the decision and the reasons for the decision. You will also be informed of your right to seek judicial review in district court.